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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,640	07/15/1999	DER-HWA GAN	JNP-0007	5420

27514 7590 10/02/2002

JUNIPER NETWORKS, INC.
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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/354,640

Applicant(s)

GAN ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-13 and 15-23 is/are rejected.
- 7) ☒ Claim(s) 3,7 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 10/18/1999 is indicated on the case file jacket as having been received by OIPE but the Examiner cannot find a copy in the case. Please send a copy with the response to this Office Action so it can be considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22,23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. The apparatus of claim 22 comprises nothing. The method of claim 23 has no steps.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2,4-6,8-13,15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Doshi et al. [U.S. Pat. 6,021,113].

Regarding claims 1,8,13,18, Doshi et al. discloses all the following subject matters: a network for forwarding packets from a source device to a destination device, said network including a plurality of network elements including nodes and connecting links, a master server for monitoring the network and establishing an initial route between the source device and the destination device, wherein at least one node comprises: **(fig. 6)**

a processor to compute an alternative route for the initial route; **(fig. 7, part 58-I – col. 9, lines 36-65)**

a storage space to store the initial route and the alternative route; **(fig. 7, part 72-3; col. 10, lines 18-19)**

a mechanism to detect failure in a downstream network element in the initial route; and **(col. 10, lines 53-55;)**

a forwarder to automatically forward a packet to the next node. **(col. 13, lines 2-7)**

Regarding claim 2, Doshi et al. further discloses the network is a connection-oriented network with a plurality of established initial routes. **(col. 9, lines 36-65 – links are noted upon fig. 6, being an optical network it is a connection-oriented network)**

Regarding claim 4, Doshi et al. further discloses the processor computes an alternative route not including the downstream node and link on the initial route. **(col. 12, line 6 – col. 13, line 29 – disclosure of the alternate path discovery algorithm)**

Regarding claim 5, Doshi et al. further discloses the processor computes an alternative route not including a plurality of nodes associated with the downstream node and link as likely to fail according to network configuration data. **(col. 12, line 6 – col. 13, line 29 – disclosure of the alternate path discovery algorithm)**

Regarding claim 6, Doshi et al. further discloses the mechanism to detect failure sends communication packets to downstream nodes at regular intervals. **(col. 14, lines 50-52)**

Regarding claims 9,11,17,19,20, Doshi et al. further discloses determining the initial route further comprises:

determining a shortest path from the destination device to the source device within the network; **(col. 12, lines 9-11)**

refining the path according to administrative constraints; and establishing the path as the initial route. **(col. 11, lines 17-23)**

Regarding claim 10,15,16, Doshi et al. further discloses refining the path comprises rejecting the path exceeding bandwidth allocation **(col. 12, lines 63-65)** and hop limit. **(col. 12, lines 9-11 – hop limit being the shortest path)**

Regarding claims 12,22,23, Doshi et al. further detecting a failure is conducted locally by a node preceding the failed element without requiring notification of a master server or an ingress node. **(col. 10, lines 37-43)**

Regarding claim 21, Doshi et al. further detecting determining locally that the established route has failed is conducted by a signaling protocol. (**col. 10, lines 53-55; lines 58-60**)

Allowable Subject Matter

Claims 3,7,14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hasegawa et al. [U.S. Pat. 5,065,399] – Network Restoration Method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

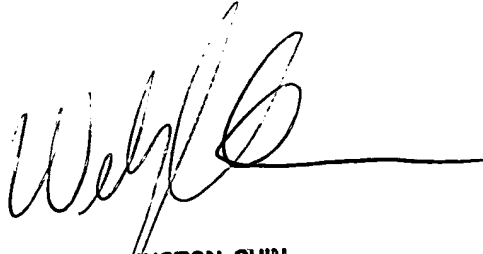
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9000 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

William Schultz
September 30, 2002



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
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